

REMARKS

Claims 1-2 and 5-30 are pending in the present application. By this Amendment, the specification is amended; claims 3-4 are cancelled; claims 1, 10-11, 18 and 20-21 are amended; and new claims 24-30 are added. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendment and the following remarks.

I. Allowable Subject Matter:

Applicant notes with appreciation that original claims 6, 11-15, 20 and 22-23 are allowable over the art of record. For at least the reasons given below, Applicant respectfully submits that the remaining pending claims, claims 1-2, 5, 7-10, 16-19, 21 and 24-30 are also allowable over the art of record.

II. Formal Matters:

Claim Objections

Claims 10, 11 and 20 are objected to as reciting an "internal" battery cover, as oppose to an "interior" battery cover, resulting in an antecedent basis problem. As shown in the claim amendments above, Applicant has corrected the claim language as suggested by Examiner Edwards. Withdrawal of the objection to claims 10, 11 and 20 is respectfully requested.

III. Prior Art Rejections:

Claim Rejections Under 35 U.S.C. §102(b)

Rejection of Original Claims 1-4, 8-10 and 18-19 In View Of Segers

Claims 1-4, 8-10 and 18-19 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Design Patent No. D445,409 to Segers (hereinafter, "Segers"). This rejection is respectfully traversed.

Applicant's claimed invention as embodied in independent claim 1 is directed to a hand-held computing device comprising, *inter alia*, (i) a slidably retractable keyboard and battery compartment cover, the cover having a pair of elongate slide members extending from

forward opposing edges of the cover, the slide members for extending into a casing of the hand-held computing device for attaching the cover to the computing device; (ii) a keyboard disposed along a lower front portion of the computing device; and (iii) a battery compartment disposed along a lower back portion of the computing device, said battery compartment configured for housing a battery; whereby the keyboard and the battery compartment are uncovered for access by slidably retracting the cover away from the casing of the computing device; and whereby the keyboard, the battery compartment and the battery are covered and inaccessible when the cover is in a closed position.

Applicant's claimed invention as embodied in independent claim 18 is directed to a hand-held computing device comprising, *inter alia*, (i) a slidably retractable keyboard and battery compartment cover, the cover having a pair of elongate slide members extending from four opposing edges of the cover, the slide members for extending into a casing of the hand-held computing device for attaching the cover to the computing device; (ii) a keyboard disposed along a lower front portion of the computing device; and (iii) a battery compartment disposed along a lower back portion of the computing device, the battery compartment including a generally rectangular-shaped battery recess for enclosing a battery for powering the computing device, the battery compartment further including an interior battery cover for closing the battery recess to prevent a battery contained in the battery recess from dislodging from the battery recess when the keyboard and battery compartment cover is in an open position; whereby the keyboard and the interior battery cover are uncovered for access to the keyboard and the interior battery cover by slidably retracting the keyboard and battery compartment cover away from the casing of the hand-held computer.

Segers discloses a mobile radiotelephone apparatus having a specific design as shown in FIGS. 1-12. As shown in FIGS. 3 and 10, a slidable member slides downward to provide access to a keyboard, but does not provide access to a battery compartment. The battery for the apparatus of Segers appears to extend from a top portion of the back side of the apparatus to a bottom portion of the back side of the apparatus (see FIG. 10).

In order for the disclosure of Segers to anticipate Applicant's claimed invention as embodied in independent claims 1 and 18, the disclosure of Segers must disclose each and every claim feature recited in independent claims 1 and 18. The disclosure of Segers fails to teach or suggest at least the following claim features: (1) a hand-held computing device (claims 1 and 18); (2) a hand-held computing device comprising a battery compartment disposed along a lower back portion of the computing device, said battery compartment configured for housing a battery (claims 1 and 18); (3) a hand-held computing device, wherein a keyboard and a battery compartment are uncovered for access by a user by slidably retracting a keyboard and battery compartment cover away from a casing of the computing device (claim 1); (4) a hand-held computing device, wherein a keyboard, a battery compartment and a battery are covered and inaccessible by a user when a keyboard and battery compartment cover is in a closed position (claim 1); (5) a hand-held computing device comprising a battery compartment, which includes an interior battery cover for closing a battery recess to prevent a battery contained in the battery recess from dislodging from the battery recess when a keyboard and battery compartment cover is in an open position (claim 18); and (6) a hand-held computing device, wherein a keyboard and an interior battery cover are uncovered for access to the keyboard and the interior battery cover by slidably retracting a keyboard and battery compartment cover away from a casing of the hand-held computer (claim 18).

Accordingly, the disclosure of Segers cannot anticipate Applicant's claimed invention as embodied in independent claims 1 and 18. Since claims 2, 8-10 and 19 depend from independent claims 1 and 18, and recite additional claim features, the disclosure of Segers cannot anticipate Applicant's claimed invention as embodied in dependent claim 2, 8-10 and 19 (claims 3-4 have been cancelled).

For at least the reasons given above, the disclosure of Segers fails to anticipate Applicants' claimed invention as embodied in claims 1-2, 8-10 and 18-19. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §103(a)

Rejection of Claim 5 In View Of Segers In Combination With Martensson

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Segers in view of U.S. Patent No. 5,151,946 to Martensson (hereinafter, "Martensson"). This rejection is respectfully traversed.

Claim 5 depends from Applicant's independent claim 1 and further recites that the elongate slide members of the computing device have a detent defined along a forward portion of the slide member for engaging a detent catch disposed in the interior of the casing for retaining the slide members from exiting from the casing and separating from the casing when the cover is retracted to an open position.

The Office Action acknowledges that the disclosure of Segers fails to teach or suggest the claim features of dependent claim 5 (see May 13, 2003 Office Action, page 4, lines 20-22). The Office Action relies on the teaching of Martensson to allegedly cure the deficiencies in the disclosure of Segers.

The teaching of Martensson is directed to a portable telephone. The disclosed portable phone comprises a lip 16 and a flange 17 to prevent slidable sleeve 7 from separating from main body 2 of the portable telephone when slidable sleeve 7 is moved to an open position (see FIGS. 1-2). The disclosed portable phone further comprises a battery 20 positioned within sleeve 7 (see FIG. 3). The teaching of Martensson specifically discloses in column 5, lines 22-26:

The battery **20** is relatively heavy and inclusion within the sliding sleeve has the beneficial effect of shifting the centre of gravity down the telephone towards the microphone as the sleeve **7** is extended for use.

The Office Action suggests that one of ordinary skill in the art, given the teaching of Segers, would have (1) recognized that the apparatus of Segers had one or more deficiencies related to the design of the apparatus; (2) sought out the teaching of Martensson; and (3) combined select design features of the phone disclosed in Martensson with select design features of the apparatus disclosed in Segers. Applicant disagrees.

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It is not clear to Applicant why one of ordinary skill in the art would have modified the teaching of Segers as proposed in the Office Action. Applicant respectfully submits that the only motivation for such a modification of the teaching of Segers has been deemed from a review of Applicant's invention, not from what is being taught or suggested in the art.

However, even if there is motivation to modify the apparatus of Segers as suggested in the Office Action, the resulting apparatus still fails to teach or suggest Applicant's claimed invention embodied in dependent claim 5. The resulting apparatus fails to teach or suggest at least the following claim features embodied in dependent claim 5: (1) a hand-held computing device; (2) a hand-held computing device comprising a battery compartment disposed along a lower back portion of the computing device, said battery compartment configured for housing a battery; (3) a hand-held computing device, wherein a keyboard and a battery compartment are uncovered for access by a user by slidably retracting a keyboard and battery compartment cover away from a casing of the computing device; and (4) a hand-held computing device, wherein a keyboard, a battery compartment and a battery are covered and inaccessible by a user when a keyboard and battery compartment cover is in a closed position.

For at least the reasons given above, Applicant respectfully submits that a *prima facie* case of obviousness has not been made, and that the combination of the teaching of Segers with the teaching of Martensson fails to make obvious Applicant's claimed invention as embodied in dependent claim 5. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Rejection of Claim 7 In View Of Segers In Combination With Kimura

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Segers in view of U.S. Patent No. 6,269,537 to Kimura et al. (hereinafter, "Kimura"). This rejection is respectfully traversed.

Claim 7 depends from Applicant's independent claim 1 and further recites that the keyboard and battery compartment cover and slide members are constructed of magnesium.

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The Office Action acknowledges that the disclosure of Segers fails to teach or suggest the claim features of dependent claim 7 (see May 13, 2003 Office Action, page 5, lines 8-9). The Office Action relies on the teaching of Kimura to allegedly cure the deficiencies in the disclosure of Segers.

The teaching of Kimura is directed to printed circuit board (PCB) packages for shielding electromagnetic radiation, some of which may comprise magnesium. The teaching of Kimura is not related to a radiotelephone apparatus as disclosed in Segers, and certainly does not teach or suggest a keyboard and battery compartment cover comprising magnesium.

The Office Action suggests that one of ordinary skill in the art, given the teaching of Segers, would have (1) recognized that the apparatus of Segers had one or more deficiencies related to the materials used to make the apparatus; (2) sought out the teaching of Kimura related to PCB packages; and (3) incorporated a keyboard and battery compartment cover comprising magnesium into the apparatus of Segers given the teaching of Kimura. Applicant disagrees.

It is not clear to Applicant why one of ordinary skill in the art would have sought out the teaching of Kimura given the teaching of Segers. Further, it is not clear to Applicant why one of ordinary skill in the art would have incorporated a keyboard and battery compartment cover comprising magnesium into the apparatus of Segers, given the teaching of Kimura, as proposed in the Office Action. Applicant respectfully submits that the only motivation for such a combination of teachings and a modification of the teaching of Segers has been deemed from a review of Applicant's invention, not from what is being taught or suggested in the art.

However, even if the combination of Segers and Kimura is proper and there is motivation to modify the apparatus of Segers as suggested in the Office Action, the resulting apparatus still fails to teach or suggest Applicant's claimed invention embodied in dependent claim 7. The resulting apparatus fails to teach or suggest at least the following claim features embodied in dependent claim 7: (1) a hand-held computing device; (2) a hand-held computing device comprising a battery compartment disposed along a lower back portion of the computing device, said battery compartment configured for housing a battery; (3) a hand-held computing device, wherein a keyboard and a battery compartment are uncovered for access by a user by

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slidably retracting a keyboard and battery compartment cover away from a casing of the computing device; and (4) a hand-held computing device, wherein a keyboard, a battery compartment and a battery are covered and inaccessible by a user when a keyboard and battery compartment cover is in a closed position.

For at least the reasons given above, Applicant respectfully submits that a *prima facie* case of obviousness has not been made, and that the combination of the teaching of Segers with the teaching of Kimura fails to make obvious Applicant's claimed invention as embodied in dependent claim 7. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Rejection of Claims 16-17 In View Of Segers In Combination With Lefort

Claims 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Segers in view of U.S. Patent No. 6,469,910 to Lefort (hereinafter, "Lefort"). This rejection is respectfully traversed.

Claims 16-17 depend from Applicant's independent claim 1 and further recite that the computing device of Claim 1 is a hand-held personal computer (claim 16) or a personal digital assistant (claim 17).

The Office Action acknowledges that the disclosure of Segers fails to teach or suggest the claim features of dependent claims 16-17 (see May 13, 2003 Office Action, page 5, lines 17-18). The Office Action relies on the teaching of Lefort to allegedly cure the deficiencies in the disclosure of Segers.

The teaching of Lefort is directed to a portable electronic device comprising a fixed keyboard portion and a movable keyboard portion. The disclosed portable electronic device does not comprise a slidably retractable keyboard and battery compartment cover and other claim features recited in Applicant's independent claim 1.

Applicant respectfully submits that even if the combination of Segers and Lefort is proper as suggested in the Office Action, the resulting apparatus still fails to teach or suggest Applicant's claimed invention embodied in dependent claims 16-17. The resulting apparatus fails to teach or suggest at least the following claim features embodied in dependent claims 16-17: (1) a hand-held computing device comprising a battery compartment disposed along a lower

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back portion of the computing device, said battery compartment configured for housing a battery; (2) a hand-held computing device, wherein a keyboard and a battery compartment are uncovered for access by a user by slidably retracting a keyboard and battery compartment cover away from a casing of the computing device; and (3) a hand-held computing device, wherein a keyboard, a battery compartment and a battery are covered and inaccessible by a user when a keyboard and battery compartment cover is in a closed position.

For at least the reasons given above, Applicant respectfully submits that a *prima facie* case of obviousness has not been made, and that the combination of the teaching of Segers with the teaching of Lefort fails to make obvious Applicant's claimed invention as embodied in dependent claims 16-17. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Rejection of Claim 21 In View Of Segers In Combination With Yap

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Segers in view of U.S. Patent No. 6,545,577 to Yap (hereinafter, "Yap"). This rejection is respectfully traversed.

Applicant's claimed invention as embodied in independent claim 21 is directed to a hand-held computing device comprising, *inter alia*, (i) a stylus assembly mounted in an interior portion of a casing of the computing device; (ii) a slidably retractable keyboard and battery compartment cover, the cover having a pair of elongate slide members extending from four opposing edges of the cover, the slide members for extending into a casing of the hand-held computing device for attaching the cover to the computing device; (iii) a keyboard disposed along a lower front portion of the computing device; and (iv) a battery compartment disposed along a lower back portion of the computing device, the battery compartment including a generally rectangular-shaped battery recess for enclosing a battery for powering the computing device, the battery compartment further including an interior battery cover for closing the battery recess to prevent a battery contained in the battery recess from dislodging from the battery recess if the keyboard and battery compartment cover is in an open position; whereby the keyboard and the interior battery cover are uncovered for access to the keyboard and for access to the interior

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battery cover by slidably retracting the keyboard and battery compartment cover away from the casing of the hand-held computing device.

The Office Action acknowledges that the disclosure of Segers fails to teach or suggest the claim features of independent claim 21 (see May 13, 2003 Office Action, page 6, lines 4-5). The Office Action relies on the teaching of Yap to allegedly cure the deficiencies in the disclosure of Segers.

The teaching of Yap is directed to a frictionless pen ejector mechanism for use on an electronic device. The disclosed electronic device/frictionless pen ejector mechanism system fails to teach or suggest a slidably retractable keyboard and battery compartment cover and other claim features recited in Applicant's independent claim 21.

The Office Action suggests that one of ordinary skill in the art, given the teaching of Segers, would have (1) recognized that the radiotelephone apparatus of Segers had one or more deficiencies related to the design of the apparatus; (2) sought out the teaching of Yap related to electronic devices comprising a frictionless pen ejector mechanism; and (3) incorporated a frictionless pen ejector mechanism into the radiotelephone apparatus of Segers given the teaching of Yap. Applicant disagrees.

The teaching of Segers does not suggest to one of ordinary skill in the art the need to incorporate a frictionless pen ejector mechanism into the radiotelephone apparatus of Segers. Such a frictionless pen ejector mechanism is not a necessary component of a radiotelephone apparatus. There is no suggestion in the teaching of Segers to modify the disclosed radiotelephone apparatus as proposed in the Office Action.

It is not clear to Applicant why one of ordinary skill in the art would have sought out the teaching of Yap given the teaching of Segers. Further, it is not clear to Applicant why one of ordinary skill in the art would have incorporated a frictionless pen ejector mechanism into the radiotelephone apparatus of Segers, given the teaching of Segers, as proposed in the Office Action. Applicant respectfully submits that the only motivation for such a combination of teachings and a modification of the teaching of Segers has been deemed from a review of Applicant's invention, not from what is being taught or suggested in the art.

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Applicant respectfully submits that even if the combination of Segers and Yap is proper as suggested in the Office Action, the resulting apparatus still fails to teach or suggest Applicant's claimed invention embodied in independent claim 21. The resulting apparatus fails to teach or suggest at least the following claim features embodied in independent claim 21: (1) a hand-held computing device; (2) a hand-held computing device comprising a stylus assembly mounted in an interior portion of a casing of the computing device; (3) a hand-held computing device comprising a slidably retractable keyboard and battery compartment cover, the cover having a pair of elongate slide members extending from four opposing edges of the cover, the slide members for extending into a casing of the hand-held computing device for attaching the cover to the computing device; (4) a hand-held computing device comprising a battery compartment disposed along a lower back portion of the computing device, the battery compartment including a generally rectangular-shaped battery recess for enclosing a battery for powering the computing device; (5) a hand-held computing device comprising a battery compartment, which includes an interior battery cover for closing a battery recess to prevent a battery contained in the battery recess from dislodging from the battery recess if a keyboard and battery compartment cover is in an open position; and (6) a hand-held computing device, wherein a keyboard and an interior battery cover are uncovered for access to the keyboard and for access to the interior battery cover by slidably retracting a keyboard and battery compartment cover away from a casing of the hand-held computing device.

For at least the reasons given above, Applicant respectfully submits that a *prima facie* case of obviousness has not been made, and that the combination of the teaching of Segers with the teaching of Yap fails to make obvious Applicant's claimed invention as embodied in independent claim 21. Accordingly, Applicant respectfully requests withdrawal of this rejection.

IV. New Claims 24-30:

New claims 24-30 are directed to further embodiments of Applicant's claimed invention. New claims 24-27 depend from independent claims 1 and 18 described above. Applicant submits that new claims 24-27 are patentable over the art of record for at least the

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reasons given above with regard to independent claims 1 and 18.

New independent claim 28 is directed to a hand-held computing device having claim features as recited in independent claim 1 and original dependent claim 6. Applicant submits that new independent claim 28 is patentable over the art of record for at least the reasons that original dependent claim 6 is patentable over the art of record.

New independent claim 29 is directed to a hand-held computing device having claim features as recited in independent claim 1 and original dependent claim 11. Applicant submits that new independent claim 29 is patentable over the art of record for at least the reasons that original dependent claim 11 is patentable over the art of record.

New independent claim 30 is directed to a hand-held computing device having claim features as recited in independent claim 1 and original dependent claim 14. Applicant submits that new independent claim 30 is patentable over the art of record for at least the reasons that original dependent claim 14 is patentable over the art of record.

V. Conclusion:

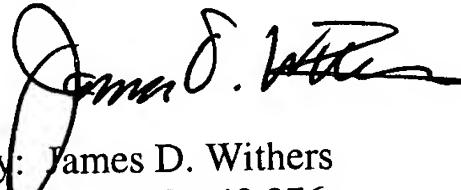
For at least the reasons given above, Applicants submit that claims 1-2 and 5-30 define patentable subject matter. Accordingly, Applicant respectfully requests allowance of these claims.

No additional fees are believed due other than the fee associated with additional claims; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 13-2725.

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Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,
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